

BOARD OF SELECTMEN MINUTES
MONDAY, OCTOBER 15, 2007

I. Call to Order/Roll Call

Chairman Brian Major called the meeting of the Board of Selectmen to order at 6:08 P.M. in the Selectmen's conference room at the Town Offices. Present were: Chairman Major and Selectmen Mary Lyman and Alex Vispoli. Also present was Town Manager Reginald Stapczynski.

II. Executive Session

On a motion made by Selectman Lyman, seconded by Selectman Vispoli, it was voted to go into Executive Session to discuss collective bargaining strategy and land acquisition and to return to Open Session. Vote: Chairman Major - yes, Selectman Lyman - yes and Selectman Vispoli - yes.

On a motion duly made and seconded, it was voted to adjourn the Executive Session and return to Open Session at 7:39 P.M. The vote was unanimous.

III. Opening Ceremonies

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

Town Manager Stapczynski

- Noted that the 5th Congressional District Election is to take place on October 16th from 7:00 a.m. to 8:00 p.m. at Andover High School Field House.
- The MMA 6th grade essay contest is underway, with 50 communities selected to participate. Will be visiting various classrooms with the Board to discuss town information, etc.
- Ron Wetmore has been named Building Inspector of the Year by his State Association.
- Attorney Tom Urbelis has arranged for a State Ethics Commission Seminar on October 24th at 7:00 p.m. at Memorial Hall Library.

Selectman Jerry Stabile

- Attended the Fall M.M.A. Conference this past Saturday and one of the featured speakers was Lt. Governor Tim Murray.
- The Town Yard Task Force site walk will be held on Thursday, October 18th at 7:30 a.m.
- Met with the Survey Subcommittee who will be updating the Board of Selectmen soon.

Selectman Mary Lyman

- Council on Aging and Friends of Senior Citizens will be holding a Senior Prom on November 3rd at the YMCA. Tom Deso is accepting proposals for funding ideas.
- Commission on Disabilities will meet with the Board of Selectmen regarding the Main Street Project.

IV. Communications/Announcements/Liaison Reports (cont.)

Selectmen Alex Vispoli

- The I-93 Task Force will meet on October 16th at 7:30 p.m.
- Recently took a tour of Shawsheen River via canoe to view the proposed I-93 area. On October 21st, the Shawsheen River Association, AVIS and the Historical Society will offer a free canoe ride. Information is available on the website and cable channel.

Chairman Brian Major

- Participated in the Ironstone Farms Special Olympics Fall Event on Sunday, October 14, 2007.

V. Citizens Petitions and Presentations

Brigid Rodin, 198 Jenkins Way, appeared before the Board to discuss the status of the dirt portion of her street. Ms. Rodin began by stating her address as 198 Jenkins Road not Way as stated on the agenda and noted that the Town's position is incorrect and should resume the policy of it being a public road. Ms. Rodin also noted that there are other dirt roads in the town and it is not unusual. She stated that all town services were available to the residents such as trash pickup and recycling pickup for decades. Ms. Rodin read a statement that noting that all her mail and town bills arrive with the house numbers reflecting Jenkins Road and that with the decades of past practice, they should resume. Ms. Rodin also noted that a resident on the street has medical conditions that impact her use of the road. Mr. Wayne Dick, 203 Jenkins Way, addressed the Board stating he was a resident since 1990 and the town has always maintained the street by completing necessary road work, trash pick up, etc. Mr. Dick noted that the recycling and trash removal stopped about 1-1/2 to 2 years ago. Ms. Shirley Arrand, 196 Jenkins Way, addressed the Board and stated she has lived in her home for 53 years and the town has always maintained it. Ms. Arrand stated she is now having to rely on neighbors to bring her trash and recycling to the end of the street.

Town Manager Stapczynski stated that the town has researched this situation and it defers with the residents and noted that Ms. Rodin's deed states Way not Road. Mr. Stapczynski also noted that records show it as a private way, which is not an accepted street. He noted that it is plowed in the winter, as other streets are with two or more homes on it for public safety reasons. He noted that the trash vehicles cannot get down the road due to potholes and overgrown brush at the sides of the street. Mr. Stapczynski noted that a letter was sent to the residents on July 23, 2007 outlining how to amend this situation and spoke of the past Foster Pond case in which the residents had gone to Town Meeting for a vote and eventually had a betterment charge enacted to have their road paved.

Selectman Lyman asked how many feet of road is being affected and it was noted that it is about 3/10 to 1/4 mile long. Chairman Major asked Mr. Stapczynski to have Mr. Petkus and his team further investigate the matter. The Town Manager noted there are dozens of Ways in similar situations, particularly near the Shawsheen Heights. Ms. Rodin again stated to the Board that all her mail, etc. arrives with the address of Road not Way and Mr. Stapczynski noted it is listed at Road in the Town Directory and will investigate the matter further.

VI. Public Hearing

A. National Grid and Verizon New England, Inc.

National Grid and Verizon New England, Inc., requested permission to re-locate pole #893 and remove pole #892 including the necessary wires, sustaining and protecting fixtures, along and across the following public way:

- Stevens Street at Marland Place – approximate location shown on Plan #2983254, dated 9/5/07.

David Boucher, of National Grid in North Andover, addressed the Board and stated the above request was in order to put in guardrails on Stevens Street and noted they will zigzag the wires across.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the request as presented. The vote was 5-0.

National Grid and Verizon New England, Inc. requested permission to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the following public way:

- Bateson Drive at #15 – approximate location shown on Plan #3386371, dated 9/25/07.

Mr. David Boucher, of National Grid in North Andover, addressed the Board and stated the above request was in order to replace the existing materials with conduit and new cable and noted it has been a reliability problem for the town and neighbors.

A motion was made by Selectman Vispoli, seconded by Selectman Teichert, to approve the request as presented. The vote was 5-0. It was noted that these requests have been reviewed and approved by the Department of Public Works subject to the condition that street opening permits must be obtained from the DPW prior to any construction.

VII. Regular Business of the Board

A. Board to vote on Comcast ten-year cable license renewal.

Jack Dempsey, Chairman of the Cable Advisory Committee, addressed the Board and stated the Committee has spent the last eight months reviewing the renewal of the cable license for the town. Mr. Dempsey acknowledged members of the committee in attendance including Barbara Worcester, Gerald Silverman and William Solomon, Counsel. Mr. Dempsey summarized the changes in the license with the most significant being that Comcast would no longer be running the studio or PEG access channels. It would now be handled by a nonprofit Access Corporation called Andover Community Access and Media, Inc. Mr. Dempsey noted that the Town would use the money raised by the license fee charged by Comcast to operate the Access Corporation as well as to fund various media projects including the new state-of-the-art I-net would run much faster; the purchase of

VII. Regular Business of the Board (cont.)

A. Board to vote on Comcast ten-year cable license renewal (cont.)

equipment would enable live streaming of video including the Board of Selectmen meetings and the purchase of a server that would house archived meetings. Mr. Dempsey outlined the franchise fee as being a 5% fee added onto the cable bill and that is similar to surrounding towns. For residents with Expanded Basic Plan it would increase approximately \$2.75 for the first year and after one year, the fee that Comcast is charging now would be removed and the cost would be reduced to \$1.75 per month. For residents with more advanced services, the cost would be \$2.70 once the franchise fee is deducted. Mr. Dempsey also explained that the Committee was also able to successfully negotiate no change in the line extension policy which would have allowed only homes within a density requirement of 35 homes per mile and that all current and future homes in Andover will have cable service accessibility. It was also noted that Comcast has agreed to the buy-out of the old I-net system in which the town would receive \$200,000 which would help to pay for the new I-net and Comcast also agreed to fund the senior citizen discount program.

Selectmen Vispoli commended Mr. Dempsey and the Cable Advisory Committee for all their hard work and asked if the license needed to be approved that night or was there a gap in time. Selectman Teichert questioned when local access would be on Verizon and Mr. Dempsey

noted that it should be complete by January 1, 2008. Selectman Stabile raised questions regarding the fee process and the amount being increased. Attorney William Solomon addressed the Board and noted that this process reflects the hard work of the Committee and what it means to the residents of the community of approximately 10,000 subscribers.

Mr. Dempsey also acknowledged the two Committee members who were not present at the meeting, Mr. John Flynn and Mr. Zeff Marusich and noted they would be appearing before the Board in approximately two weeks with the access corporation rules.

A motion was made by Selectman Vispoli, seconded by Selectman Teichert to renew the Comcast license for ten-years. The vote was 4-0 with Selectman Stabile abstaining.

Selectman Teichert made a motion, seconded by Selectman Lyman, for the repurchase of the old I-Net for \$200,000. The vote was 5-0.

- B. Rebecca Balke of Comprehensive Environmental Inc. and Alison Armstrong, DPW Environmental Analyst, to provide a brief overview of stormwater management and the Town's Greenscapes Program

Ms. Rebecca Balke addressed the Board and outlined the program with a powerpoint presentation noting the great feedback the program had with a multi-benefit effort. Selectman Vispoli asked how this related to the town's stormwater program and Ms. Balke noted that it was a public outreach program developed by the EPA and that this was phase two of the stormwater program. The program is to improve the water quality of the town and overviewed six points: public education, public participation, illicit discharge deterrent,

VII. Regular Business of the Board (cont.)

- B. Rebecca Balke of Comprehensive Environmental Inc. and Alison Armstrong, DPW Environmental Analyst, to provide a brief overview of stormwater management and the Town's Greenscapes Program

site run off, post-construction runoff; and good housekeeping which includes street sweeping, basin cleaning, controlled vehicle washing and employee training. Ms. Balke noted that the town works diligently with their website, brochures, articles, classroom presentation, and storm drain markings program and summarized how important this program was to improve water quality and reduce the potential for flooding.

Alison Armstrong then addressed the Board and noted she is a town employee with the water department. Ms. Armstrong noted that the Greenscapes Program has been very successful and it is a multipartner outreach effort sponsored by several watershed and coastwatch organizations with eighteen communities participating across the North Shore. Ms. Armstrong discussed how Andover was a sponsor community and the centerpiece of the program was the Greenscapes Guide which contains information regarding landscaping, conservation and pollution prevention tips for homeowners. Ms. Armstrong noted how greenscapes are beautiful landscapes that require very little water and the goal being to let nature provide the necessary water and nutrients considering the climate of New England. She stated the collaboration with town engineers and members of the water department and that the guide included tips to residents on cost savings with a personal approach. Ms. Armstrong noted how the guide also speaks of drinkable water versus water used for landscapes and encouraged residents to make the most of rainfalls and runoffs and to be an active part of the process.

- C. Chairman Major and Selectman Vispoli, representatives on the Selectmen's Long Range Financial Subcommittee, to present an update on the revenue/expenditure forecast model

Chairman Major stated that there will be formal presentation of the forecast model to all three Boards on November 1, 2007 and this was just an update for the Board of Selectman. Selectman Vispoli noted that the subcommittee was looking at 2009 and beyond and would like to create a tool to have a three year program in order to forecast, etc. Chairman Major reviewed the handout and stated that from the budget model, scenario A would be the more conservative column rather than scenario B and noted that the first item entitled property taxes has the two scenarios are the same. The next item entitled, New Growth, has different scenarios and stated that at the present time, the subcommittee was more optimistic with scenario B. Selectman Vispoli stated that no decisions have been made that this was an exercise in best case / worst case scenarios.

Chairman Major then outlined the next item entitled, Chapter 70, with scenario A at \$100/student/year and scenario B at \$150/student/year and noted the difference in the two and that the subcommittee was looking at scenario B. Selectman Teichert noted that an increase of \$50.00 seemed high and Selectman Vispoli stated that it was just a presentation of the model and the Boards need to meet to discuss and gather questions. The next item was entitled, Lottery with scenario A having a 1.00 factor annually and scenario B with a 1.03 factor annually. Selectman Stabile noted that after attending the MMA Conference VII. Regular Business of the Board (cont.)

C. Chairman Major and Selectman Vispoli, representatives on the Selectmen's Long Range Financial Subcommittee, to present an update on the revenue/expenditure forecast model

there was a better understanding of the state house workings and the lottery is looking at a fiscal loss in 2009.

Chairman Major outlined the next five items (general local revenue, motor vehicle excise, permits/licenses, hotel/motel, and investment income) being grouped together and having aggressive revenue expectations. The next items included school personnel services and school other expenses along with the town personnel services and town other expenses. Selectman Vispoli again clarified that all the numbers being stated are subject to change and that it was an overview of the model only.

Chairman Major stated the last three items including capital projects, health insurance and retirement fund. It was noted that the health insurance bids need to be received by November 1, 2007 and Mr. Stapeczynski noted the retirement fund state evaluation is in process and would not affect 2009. Chairman Major stated that the bottom line was a total increase of +2.1M for 2009; +3.8M for 2010; and +5.5 M for 2011.

Ms. Joanne Marden, Chairman of the Finance Committee, addressed the Board and noted the review of different scenarios and what is most likely not a whole range and that at the upcoming joint board meetings it will be reduced to a single column. Ms. Marden also noted that COLA's are not factored in at the moment and there still needs budget requests, staffing and new expenses factored in. Selectman Stabile questioned why COLA's are not factored in and put to the side and Ms. Marden noted it was held out of this model due to current negotiations, etc. and the respect for confidentiality and that all of this information continuously changes from October to July. Selectman Vispoli agreed and stated it was better to have this type of discussion early rather than later and the Town Manager noted having a discussion on the issue of these types of targets and putting some pressure and aggressiveness on the state representatives. Selectman Vispoli reiterated that the draft presentation would be held on November 1, 2007 at 7:00 p.m. in the school administration offices and Chairman Major stated that the Board needs to decide how the model changes for each item and what they are comfortable with.

D. Town Manager to present the requested FY-2009 – FY-2014 Capital Improvement Projects

The Town Manager distributed the draft CIP requests to the Board. Selectman Vispoli noted that the final CIP will be condensed using 2% general fund revenue for pay as you go and that these are requests from departments as to what they feel they need. The Board then discussed the various items outlined in the draft plan and the Manager noted that \$17 million was in the range of past years requests. Selectman Stabile noted it was helpful to see the original request list and then process the items from there and the traditional projects from year to year. Selectman Vispoli requested the Town Manager to report back to the Board on any new requests this year compared to last year's and note which are re-requests.

VIII. Approval of Consent Agenda Items

Appointments and Re-appointments

A motion was made by Selectmen Teichert, seconded by Selectman Lyman, to approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
------------	----------	------	-----------

COMMUNITY SERVICES

Brianne R. Conlon	Counselor – PT	C2A	9/25/07
Kelly P. Rousmaniere	Instructor – PT	C2A	9/26/07

TOWN CLERK

Mary D. Barry	Pollworker – PT	\$8.00/hr.	10/3/07
Michela S. Ciocca	Pollworker – PT	\$8.00/hr.	10/3/07

CULTURAL COUNCIL

Linda Kirk – Term expires 6/30/10
(v. C. Chanler)

The vote was 5-0.

B. One Day Beer & Wine Licenses

A motion was made by Selectmen Stabile, seconded by Selectman Lyman, to approve Maura Boucher, on behalf of the Andover School of Montessori, 40 South Main Street, Andover, a one-day beer & wine license for Friday, October 19, 2007 from 5:00 P.M. to 10:00 P.M. for a parent social at the school. The vote was 5-0.

A motion was made by Selectman Lyman, seconded by Selected Teichert, to approve Robert Lavoie, on behalf of the Andover Chamber of Commerce, 264 Essex Street, Lawrence, a one-day beer & wine license for Thursday, November 1, 2007 from 4:00 P.M. to 10:00 P.M. for the "Taste of Andover" at the Town House. The vote was 5-0.

It was noted that these applications have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of

the license.

VIII. Approval of Consent Agenda Items (Cont.)

C. Change of Manager

Oates & Bredfeldt – Andover, Inc., d/b/a The Andover Inn, 4 Chapel Avenue, Andover, applied for a Change of Manager on their All-Alcoholic Innholder's license from Lloyd Higgins to Colin Welch.

A motion was made by Selectmen Lyman, seconded by Selectmen Stabile, to approve the Change in Manager, as noted above. The vote was 5-0. It was noted that the application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

D. Charitable Wine Pouring License

A motion was made by Selectmen Vispoli, seconded by Selectmen Lyman, to approve Elise Desmarais, Merrimack Valley Hospice, 360 Merrimack Street, Lawrence, MA, a Charitable Wine Pouring license for use on Friday, November 2, 2007 from 7:00 P.M. to 9:00 P.M. for a charitable wine pouring event at the Andover Country Club. The vote was 5-0.

It was noted that the application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

IX. Approval of Minutes of Previous Meetings

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the minutes of the September 17, 2007 meeting as written. The vote was 5-0.

A motion was made by Selectman Vispoli, seconded by Selectman Teichert, to approve the minutes of the October 1, 2007 meeting as written. The vote was 5-0/

X. Adjournment

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to adjourn the meeting. The vote was 5-0. The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Mary Kay Poe

Mary Kay Poe, Recording Secretary